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ABSTRACT

This paper was developed in response to South Carolina House Bill 3767, which would eliminate the granting of tenure to faculty at all public, senior institutions in the state. It explores the origins and history of tenure, the attainment and retention of tenure, and the reasons why the state should continue to grant tenure at state institutions of higher education. The historical review traces tenure and the principle of academic freedom in relationship to antiquity, the medieval universities, its origins in America, attacks on professors during McCarthyism, tenure and the civil rights movement, and current controversy regarding tenure and "political correctness." A discussion on attaining and keeping tenure lists qualifications for attaining tenure at South Carolina institutions, and guidelines for evaluating and even terminating faculty with tenure. A final discussion on the importance of tenure in sustaining academic freedom and economic development focuses on the importance of academic freedom for the advancing of new and possibly unpopular ideas and for the economic development of South Carolina since, without tenure, many quality faculty would leave the state resulting in declining educational quality and the loss of grants. (Contains 23 references.) (DB)

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SOUTH CAROLINA COMMISSION ON HIGHER EDUCATION

Staff Position Paper on Academic Tenure: Its Origins, Administration, and Importance

Prepared by: David R. Loope, Coordinator of Academic Programs

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SOUTH CAROLINA COMMISSION ON HIGHER EDUCATION

Staff Position Paper on Academic Tenure: Its Origins, Administration, and Importance

Prepared by: David R. Loope, Coordinator of Academic Programs

The staff of the South Carolina Commission on Higher Education, the coordinating body for higher education in the state, has prepared this paper in response to House bill 3767, which would eliminate the granting of tenure--a continuous contract of employment at a college or university--to faculty at all public, senior institutions in South Carolina. As a means of fully expounding the Commission staff's views on tenure and as a way of enriching the dialogue on its future at our institutions, the paper explores the origins and history of tenure, the attainment and retention of tenure, and the reasons why we should continue to grant tenure in our public institutions in the state.

To place the issues addressed in the following pages in their proper context, it should be noted at the outset that Commission staff strongly believe that academic tenure, where properly administered, exists as a critical bulwark of free speech and as a boon to the state's economic vitality. Moreover, they hold that the granting of tenure, where judiciously applied and where maintained with adequate safeguards, has intrinsic worth to any higher education system that hopes to maintain its competitive edge in the modern marketplace and to make significant contributions to those it serves.

Of course, the chief measure of postsecondary education's value is in its return to society, whether through the cultivation of knowledge and civic responsibility in the individual student or through broad investment in the state's overall economic and cultural development. The Commission staff contends that eradicating tenure would seriously impair the potential of South Carolina's colleges and universities to prepare South Carolina's students for the world of the twenty-first century and would endanger the state's ability to enhance its productivity and standard of living through education. In essence, the elimination of tenure would sacrifice many of the gains higher education has helped South Carolina achieve in the last decade and would preclude the achievement of many future gains in the coming decades.

ORIGINS AND HISTORY OF TENURE

The reasons for retaining an institution as vitally important as academic tenure are well-documented and ancient, finding their roots in antiquity and their latter day expression in important episodes and issues of our contemporary culture--McCarthyism, the Civil Rights Movement, and the debate over political correctness, just to name a few.

Antiquity, the Medieval Universities, and Tenure's Origins in America

The Greek philosopher Plato, whose ideals have shaped the very essence of western civilization, championed the virtues of academic freedom at his famous Academy, "a community of thinkers drawn together in the logical quest for truth" and "dedicated to the art of critical debate" (Poch 1993, p.3). Drawing from Plato's emphasis on intellectual liberty among teachers and students, Roman statesman and philosopher Cicero adopted the Academy's approach to academic freedom for his own academy, Tusculum, dedicated to the art of collective deliberation and to the study of shared responsibility (Cicero, 1951, pp. 174-75). It is through these early exemplars of academic freedom that our modern concept of academic tenure traces its heritage to that most sacred of western cultural convictions--the right to individual self-expression.

Owing their foundations to the classical thinkers of Greece and Rome, the medieval European universities at Paris, Bologna, Oxford, and Cambridge expanded the application of academic freedom to include a more formal guarantee of faculty self-expression in most disciplines. "Freedom was general, save in philosophy and theology. In law, in medicine, in grammar, and mathematics, men were normally free to lecture and dispute as they would" (Haskins 1987, p. 52). Even in this age of absolute monarchs and rigid social castes, faculty retained a "large amount of actual freedom" to teach and to write as they pleased (p. 55). In fact, medieval scholars based much of their curricula on the dialectic, or free exchange of argument for and against a resolution (p. 30).

When the British colonized North America, they brought with them their unique model of higher education, replete with the now centuries-old concept of academic freedom that found expression at Oxford and Cambridge. At Harvard, William and Mary, and Yale (the first three colleges founded in America), faculty began entering into contractual agreements with the college boards, thereby introducing faculty employment based on a specified length of time rather than on collegial consensus and creating the foundation for permanent employment (Metzger 1973, p. 116).

By the late nineteenth and early twentieth centuries, colleges and universities in Germany and in the United States were striving toward a comprehensive establishment of academic tenure, or the contractual agreement with faculty of continuous employment (Bok 1982, p. 5). In the wake of Vanderbilts, Rockefellers, and Stanfords who forged new universities with their amassed wealth, an empowered faculty, who were themselves now making important contributions to the industrialization of western society, needed a shield to ensure the integrity of their teaching and research. American faculty increasingly saw tenure as the ultimate guarantor of free speech in the classroom and in the laboratory and as a practice that would "prevent the university administration from establishing official orthodoxies that it might use, directly or indirectly, to inhibit professors from expressing unsettling ideas and unpopular opinions" (Bok 1982, p. 5).

With these ideas in mind, a group of influential faculty members, led by professors from the Johns Hopkins University, formed the American Association of University of Professors (Metzger 1973, p. 135). By 1915, the AAUP, as the association became known, had developed a codified set of regulations regarding the attainment of tenure and its application on campuses throughout the United States (pp. 151-52). Between 1930 and 1950, with major research institutions and selective liberal arts colleges leading the way, tenure became pervasive throughout the American higher education system (pp. 155-57) and became the benchmark against which most scholars measured their professional success in the academy.

McCarthyism

The first rigorous test of the power of academic tenure to ensure freedom of faculty thought and speech came during the 1950's, when Senator Joseph McCarthy accused many academics of contributing to Soviet espionage efforts in the United States (Schrecker 1986, pp. 9-10). Most accused faculty were indeed innocent of any illegal activity but nevertheless became the targets of McCarthy's sympathizers and, in many cases, of the administration at their own institutions (Lewis 1993, pp. 2-3). At a time when overt political intrusion threatened to prevent academics from engaging in the scholarly dialogue so necessary to higher education's important role as cultural arbiter and critic of popular politics, tenure provided a first line of defense. As Ellen Schrecker notes, "though its possession did not invariably protect controversial professors from being fired. . .it did usually ensure that they got some kind of a faculty hearing" (p. 23).

For Owen Lattimore, an internationally renowned expert on the Far East who taught at the Johns Hopkins University, tenure prevented the university administration from caving in to immense political pressure calling for Lattimore's dismissal. Falsely accused by McCarthy as the "top Soviet" mole in America (Lewis 1993, p. 237), "Lattimore's tenure ensured that the university would not move against him unless it was prepared for a new fight with those committed to the principles of tenure and academic freedom" (p. 167). Lattimore kept his position at Hopkins (p. 7).

For those faculty unlucky enough to lack tenured status the results were far different: virtually "every untenured teacher who refused to cooperate with a congressional investigating committee lost his or her job" (Schrecker 1986, p. 249). The University of Colorado abruptly terminated the contract of Morris Judd, a young philosophy instructor, late in 1950, when Judd refused to answer questions posed by the FBI regarding his political affiliation (p. 250). The University's Board of Regents, looking for a scapegoat to appease the FBI, dismissed Judd. Another member of the philosophy department, David Hawkins, fared better. Although investigated by the House Committee on Un-American Activities itself (McCarthy's

brainchild), Hawkins escaped dismissal because he held tenure and because he had refused to talk openly about his colleagues at the University (p. 249). In the end, Judd simply became another casualty among dozens who lost their jobs during the 1950's due to lack of tenure while Hawkins remained at Colorado, secure in his tenured position.

The Civil Rights Movement

The travails of McCarthyism proved to the nation's academic community that tenure could indeed serve as a protection against political persecution of faculty speech, writing, and research. This realization no doubt encouraged numerous faculty members to take an active role in the efforts to desegregate colleges and universities in the South during the late 1950's and early 1960's (Wiggins 1966, p. 52). In his comprehensive study of desegregation efforts at southern colleges and universities, Sam Wiggins points out that at some schools in the South, such as Birmingham-Southern and Millsaps, "a sustained force within the faculty [was] influential in the eventual desegregation of the student body." Some professors even went to jail to protest discrimination "in or near the collegiate community" (p. 74). But all these faculty kept their jobs, primarily out of the higher education community's reverence for academic freedom (Wiggins 1966, p. 74). As Henry Rosovsky, former Dean of the Faculty of Arts and Sciences at Harvard, writes of the Civil Rights movement and the general social upheaval of the 1960's, "looking back, I am glad that tenure. . . and the tradition of academic freedom provided a defense against those with. . .hot tempers and base impulses" (p. 180).

Russell Barrett, a professor at the University of Mississippi during the uproar over James Meredith's admission and enrollment as the first black student at that institution, recalls that at the height of the controversy "freedom did not extend very far outside of the classroom, but those with thick skins and tenure had considerable freedom" (Barrett 1965, p. 77). Barrett intentionally tested his free speech on issues related to civil rights and Meredith's enrollment and encountered little direct administrative recrimination, a fact he attributed to his tenured status (p. 78). His colleague at Ole Miss, history

professor James Silver, also escaped dismissal for his vocal support of integration at the University. Despite several attempts by state legislators to require the Ole Miss board to fire Silver, the University refused, instead granting Silver a one-year leave of absence to guest teach at Notre Dame until the situation cooled off (AAUP 1965, p.355).

George Lynn Cross, former President of the University of Oklahoma, also presents a strong argument for how tenure played an important role in desegregating his university in the early 1960's. Cross indicates that many faculty would have been "timid" and "unwilling to express strong opinions" on the necessity of civil rights had they not been shielded by their tenured status (p. 248). As with Barrett at Ole Miss, Cross' example reveals how tenure served not only the faculty but also society at large in fostering the development of leadership amidst sweeping social change.

Political Correctness

In our own day, the debate on "political correctness," defined by the Random House Webster's College Dictionary as the concept of "adhering to a typically progressive orthodoxy on issues involving especially race, gender, sexual affinity, or ecology" (D'Souza 1992, p. xiv), has forced conservative faculty to rely on the aegis of tenure in providing them an opportunity to fashion arguments against campus speech codes and other radical policies. Rather than having an outside entity such as the federal government or the press target them for their views, as in the McCarthy era, or a college administration or state government pressure them to change views, as with the Civil Rights movement, conservative scholars often find their accusers in their own classrooms. For example, three students charged Harvard history professor Stephen Thernstrom with "racial insensitivity" for remarks he had allegedly made in a class on the history of ethnic groups in America (D'Souza 1992, p. 194). In reality, Thernstrom had merely discussed with his students the arguments white slaveowners had used in defending slavery, subject matter he felt was necessary to cover in order for the class to understand the southern viewpoint on one of the most divisive issues of the nineteenth century (p. 196). Despite sustaining a volley of criticism from

his detractors in the campus press and even carping from some administrators and faculty at Harvard, Thernstrom's right to academic freedom was upheld--largely due to his protected tenure status (p. 197).

ATTAINING AND KEEPING TENURE

The road to tenure is not an easy one. College and university faculty who achieve continuous instructional status on a campus have logged four years of undergraduate education, at least four years of graduate education in pursuit of masters and doctoral degrees, and usually between five and seven years of teaching at the probationary level prior to gaining tenure--if indeed they do so at all, of which there is less and less certainty these days. All tolled, this adds up to between 13 and 15 years of education and teaching experience required for securing academic tenure. Only medicine requires a comparable trial period prior to admission in its guild (which, when granted, also affords lifelong professional status). However, the financial rewards for emerging medical doctors are usually far superior to that of newly tenured associate professors. Professors choose to stay on campus to endure the rigors of their lengthy probationary period because they enjoy the scholarly process and because they feel strongly about making a positive contribution to their students' lives and to society as a whole.

Attaining Tenure

Most colleges and universities model the granting of tenure on AAUP guidelines, which stipulate that all faculty positions, "with exception of special appointments clearly limited to a brief association with the institution. . .are of two kinds: (1) probationary appointments; (2) appointments with continuous tenure" (AAUP 1990, p. 22). The probationary period is that time when junior faculty are continuously evaluated and reviewed for excellence in teaching, research, and public service; the American Association of University Professors stipulates that it cannot last longer than seven years (p. 22). At the University of South Carolina--Columbia, for example, "faculty members appointed at the rank of assistant professor normally will not be recommended for tenure until they are in their fourth year at the University" (USC-C

1994, pp. 32-33). Up until that time, "all faculty appointments are on an annual basis" and can be terminated each year (p. 33). For tenure consideration, probationary faculty must compile a dossier that includes the following:

> 1. evaluation of teaching performance;
> 2. a listing of pertinent publications, papers presented, and the like;
> 3. where applicable, creativity or performance in the arts;
> 4. other activities, such as work on University committees, student advisement, presentation of lectures, participation in professional societies, and relevant public service;
> 5. experience at the University of South Carolina;
> 6. relevant experience elsewhere;
> 7. personal attributes as they affect the faculty member's teaching, students, and colleagues;
> 8. participation in interdisciplinary educational and research activities;
> 9. external evaluations of faculty member's scholarly or creative achievements and other professional activities (p. 30).

Thus, the requirements for attaining tenure at the University are highly specific and extremely demanding. No faculty member receives tenured status without a thorough and lengthy review process by his or her peers and by the university administration.

At the College of Charleston, the probationary period for junior faculty is six years (College 74), which means that each faculty member must have taught for at least this long before achieving consideration for tenure. The College's faculty manual includes a statement that characterizes well the procedures leading up to the granting of tenure:

> Tenure and promotion require substantial evidence of consistently high professional competence in teaching, research and professional development, and service. . .Tenure is a long-term commitment by the College; it is not merely a reward for work accomplished, but it is an award given with the expectation that consistently high professional competence will continue (College 1994, p. 74).

As with the University of South Carolina--Columbia, senior faculty and administrators review each candidate's credentials in several areas related to "teaching effectiveness, research and professional development, and professional service to the community" (p. 75).

Keeping Tenure

Once a faculty member attains tenured status, he or she is afforded a continuous contract of employment with his or her institution. However, the awarding of tenure does not prevent an institution from reviewing a professor's performance or suspending or even dismissing a tenured faculty member. Most tenured faculty are evaluated on an annual basis by their department heads and deans and can be removed from their positions for a variety of reasons. The American Association of University Professors addresses this possibility in some detail: dismissal or "termination of an appointment with continuous tenure, or of a probationary or special appointment before the end of a specified term may be effected by the institution only for adequate cause" (AAUP 1990, p. 23). These "causes" are defined to include: (1) financial exigency ("an imminent financial crisis which threatens the survival of the institution") (p. 23); (2) discontinuance of a program or department not based on financial exigency (p. 25); (3) termination for medical reasons (p. 25); (4) moral turpitude ("behavior that would evoke condemnation by the academic community generally") (p. 7); and, (5) unfitness in professional teaching or research responsibilities (p. 26). Dismissal on any one of these grounds follows a thorough institutional inquiry.

A survey of all senior institutions in South Carolina conducted by Commission staff reveals that all institutions require an annual evaluation of each and every faculty member. At Clemson University, "department heads are required to conduct annual evaluations of all faculty under their supervision," including tenured faculty (Clemson 1991, p. 26). Moreover, Clemson lists possible reasons for a tenured faculty member's dismissal based on "professional fitness," such as "the continued neglect of important responsibilities; marked sub-standard performance of duties; or highly serious breaches of University regulations such as falsification of credentials" (p. 29). At the branch campuses of the University of South Carolina as well as at Coastal Carolina University faculty may be dismissed for "gross misconduct detrimental to the image of the University" (USC-Regional 1994, p. C-8; Coastal 1993, p. 38).

Importantly, too, faculty members who desire promotion are evaluated with a rigor comparable to that of the original tenure award process. For example, at the College of Charleston, for an associate professor to reach full professor rank, he or she must have completed "seven years in rank" at the associate level (p. 74) prior to achieving eligibility for promotion. The College is quick to point out, however, that "promotion does not come automatically after the passage of fixed period of time, but it is recognition of outstanding performance and service at the College" (p. 81). Thus, South Carolina colleges and universities continuously evaluate faculty in their abilities to teach and to perform research and public service, and hold them accountable for maintaining high standards of moral conduct. If they find a faculty member grossly wanting in any one of these areas, institutions can and sometimes do rescind tenure, in essence dismissing a professor.

WHY TENURE IS IMPORTANT: ACADEMIC FREEDOM AND ECONOMIC DEVELOPMENT

The definitive statements on modern academic tenure came in the American Association of University Professor's 1940 Statement of Principles on Academic Freedom and Tenure. In this document, the Association made clear that "[t]enure is a means to certain ends; specifically: (1) freedom of teaching and research and of extramural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability" (AAUP 1990, p. 3). In this document, too, the membership provided a concise opening paragraph that summarizes well the essential connection between tenure and the overarching mission of higher education in America:

> Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition (p. 3).

Taken together these quotes provide an excellent context for discussing the major reasons why academic tenure is important to higher education in South Carolina and for illuminating the benefits to the state that could be lost if tenure were eliminated.

Academic Freedom

At its most basic level, tenure protects academic freedom, the right of college and university teachers to teach, write, and research in an open and unrestricted forum. Higher education plays the unique and critical role in American society of shaping the dialogue on those ideas, philosophies, and traditions that undergird our entire civilization. Through the results of ongoing scholarly dialogue, college and university professors provide us with a clarified vision of what we should retain from yesterday and what we should expect from tomorrow. Without the freedom to discuss the most profound issues of our day in a protected environment that tenure seeks to secure, that vision becomes clouded, obscured by political will, whether campus-based, legislative-inspired, or from the community at large. The chief danger of such a development arises from the blurred distinction between truth and propaganda. We need only look to the McCarthy era in our own history or to the totalitarianism of the former Soviet Union to see the results of this co-mingling. Essentially, the question becomes, "If we deny faculty their protected status in society from which they can place the events of the world into meaningful context, who will take their places?" As the United States Supreme Court has written, "teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die" (Sweezy 1957, p. 250).

Without tenure, we can hardly expect higher education faculty to state their minds on controversial topics or to propose unpopular solutions to scientific or social problems facing the state, nation, and world. Academics commit themselves to the search for truth, whether in the laboratory or in classroom discussions with students. Without a contractual guarantee of safety from recrimination, few faculty could afford the risk of challenging popular ideas and conventions in this search. Our cultural survival rests on our ability to recognize truths among the many fictions of the modern world; through tenure, we give university faculty the best chance to help us make these difficult distinctions, a bestowal we should take care to preserve.

Economic Development and Public Welfare

In a more concrete sense, elimination of tenure at public colleges and universities would prove injurious to South Carolina's attempts at fostering economic development and at improving the state's standard of living. Quality faculty are intrinsic to a quality institution, and, with the denial of tenure, many quality faculty will surely leave South Carolina. In their wake, they will leave a higher education community compromised in its ability to help lure new business interests to the state. As Lawrence Gressette, President and CEO of SCANA Corporations, explained in a speech to the Commission on Higher Education, corporations looking for a new home or for a state in which to expand their operations normally factor the strength of the higher education system into their decision-making. They look for a system that can provide them with research and development support as well as with qualified employees (Gressette 1995, p. 1). According to Gressette, "there is a direct link between the future of economic prosperity in the state and our state's ability to provide companies with a well-educated workforce" (p. 1) If it loses significant numbers of its best faculty, as it surely will in the absence of academic tenure, public higher education could no longer hope to contribute as effectively in developing this "well-educated workforce" much less impress potential investors in South Carolina with its overall ability to foster a healthy economic climate.

Higher education's primary effect on economic development stems from its applied and basic research functions. Faculty members in South Carolina bring into the state hundreds of millions of dollars in grant awards from the federal government and numerous private sources on an annual basis, much of it tied to medical and scientific research focused on the workplace and on improving public health and welfare. If these faculty leave, so will their funding. The state's three research institutions, Clemson, USC-Columbia, and the Medical University garnered over $170 million in 1994 in grant funding (Clemson: $56.7 million; MUSC: $52 million; USC-C: $61.7 million) (Sponsored Research Offices 1995). Loss of this funding or even a significant part of it would place South Carolina at a decided disadvantage when

competing with its neighbors in the southeast for new jobs and could diminish important gains made in the state's standard of living.

Moreover, eliminating tenure may not necessarily lead to greater efficiency in public higher education or better use of taxpayer dollars. As the only public, senior institution in the nation without tenure, Evergreen State College in Washington employs its faculty under a series of three-year contracts rather than a promise of continuous employment (Madsen 1995, p. 11). In theory, these short contracts give the College the opportunity to shift professors around to where they are most needed and to change as newly emerging priorities arise. In reality, administrators have found that instead of gaining the ability to jettison "dead wood" from the faculty (i.e., to remove professors whom they judge ineffective or unproductive), they are even less able to improve instructional quality through multi-year contracts than if they offered tenure. At least the probationary period prior to tenure gives administrators the opportunity to deny continuous status to faculty found lacking in one or more instructional or research areas. With Evergreen's contract system, faculty expect "instant tenure," similar to that federal bureaucrats have long enjoyed. In fact, "no faculty member with a multiple-year contract has been denied reappointment since the mid-1980's" (Madsen 1995, p. 11).

Also, contrary to popular belief, research indicates that tenure does not decrease faculty productivity. According to a recent National Center for Education Statistics (NCES) survey of more than 11,000 faculty at 480 institutions in the United States, "full-time faculty in all academic ranks averaged about the same number of hours per week working on paid and unpaid external activities [research and public service]" (NCES 1990, p.41). Also, the survey data reveal that faculty not on tenure track actually spend "20% less time working at the institution during a typical week than did those in the tenure-track ranks (40 to 42 hours versus 48 hours)" (p.41), which indicates that the lure of tenure is an incentive for increased productivity among probationary faculty. In the classroom, data reveal a similar situation: "full professors spent an average of 61 percent of their time on teaching, not statistically different from the

figures for associate and assistant professors" (p.44), indicating that promotion into upper ranks does not usually lead to less time in the classroom. Another NCES study underscores these figures, finding "'no appreciable differences in classroom hours among tenured, tenure-track, and non-tenure-track faculty (8.8-9.8)'" (Chait 1995, p. 9). In the end, tenure seems to make little if any difference in faculty workloads, relative both to research and to instruction.

CONCLUSIONS

Research conducted by the Commission staff reveals that no state currently denies tenure to faculty at its senior institutions. The prestigious Association of American Universities (AAU), the premier group of research institutions in the nation, reports that none of its members have eliminated tenure; and, the American Association of State Colleges and Universities (AASCU) reports likewise regarding its membership. Thus, if it were to eliminate academic tenure at its public institutions, South Carolina would stand alone among its sister states, unable to retain its best and brightest thinkers and researchers and unable to attract new faculty to take their places. We cannot risk compromising quality in a state education system that has made such huge strides in recent years to move beyond bottom tier rankings. At such a pivotal time in South Carolina's history, a time when we need every competitive edge in the marketplace and when citizens deserve and demand enhanced quality of life, higher education stands poised to provide these needs better than any other entity in the state. The faculty in public senior colleges and universities have the expertise and are expected to prepare South Carolina's future leaders. Given such an important task, they should expect no less than the full measure of support from today's leaders.

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